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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,749	04/29/2002	Martin Bergenwall	915.401	4186

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,749

Applicant(s)

BERGENWALL ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

This Office Action is in response to an Amendment filed July 10, 2006. Claims 1-2,4-21 are currently pending, of which 16-21. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2,4-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman et al. (WO 00/51307), herein referred to as Hartman.

1,15,17,18,21, Hartman discloses communicating a message over a data path, as claimed, comprising:

forming a plurality of individual data segments together representing the message, each data segment having control data (see Fig. 2);

estimating a quality of the data path (see page 6, lines 7-10);

determining, based on the estimated quality, an interval between data segments that are to be communicated over the data path in a first segment format that includes a first amount of control data, the interval decreasing when the estimated quality decreases (see page 3, lines 27-21 and page 7, lines 16-19, where varying the time intervals between transmission of full headers based on experienced link quality implies that a determining of an interval has occurred);

for each data segment, if the determined interval has passed, selecting the first segment format, and otherwise selecting a second segment format, the second segment format including a second amount of control data, the second amount being less than the first amount (see page 7, lines 16-19); and

transferring the data segments over the data path (i.e. the packet is sent).

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As per claims 2,16, Hartman further discloses that the interval is a number of data segments between zero and infinity (see page 3, line 29 – page 4, line 2).

As per claim 4, Hartman further discloses that the data segments are packets (see page 4, lines 22-26).

As per claim 5, Hartman further discloses that the control data is comprised in a header and/or a trailer of each packet (see page 4, lines 22-26).

As per claim 6, Hartman further discloses that the first format is a format having a non-compressed header and the second format is a format having a compressed header (see page 3, line 29 – page 4, line 2).

As per claim 7, Hartman further discloses that the quality of the data path is estimated by means of one or more of the following measures; signal to interference ratio, bit error rate, power loss over the data path, required transmission power over the data path, delay over the data path (see page 5, lines 3-8).

As per claim 8, Hartman further discloses a data path that includes a portion over which no bit error correction protocol is applied (see page 6, lines 1-6).

As per claim 9, Hartman further discloses that the data path includes a portion constituted by a radio link (see page 3, lines 21-24).

As per claim 10, Hartman further discloses that the data segments are formed and transferred according to one or more of the following protocols; TCP, IP, UDP, RTP (see page 4, lines 22-26).

As per claim 11, Hartman further discloses that each packet includes message data representing at least part of the message (see Fig. 2).

As per claim 12, Hartman further discloses that the available segment formats do not differ in their ability to comprise message data (see page 4, lines 22-26).

As per claim 13, Hartman further discloses that the control data of each segment includes first control data for permitting control of the transmission and/or reception of the segment and second control data for permitting detection and/or correction of errors in the first control data (see page 4, lines 22-26).

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As per claim 14, Hartman further discloses including greater amounts of first control data include greater amounts of second control data (see page 6, lines 7-10).

As per claim 19, Hartman further discloses that the transmission apparatus is a mobile terminal (see Fig 10, [104]).

As per claim 20, Hartman further discloses that the transmission apparatus is a base station (see Fig. 10).

Response to Arguments

1. Applicant's arguments with respect to claims 1-2,4-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 9/25/06



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